

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORENZO LEE HUNTER, JR.,

Plaintiff,

CIVIL CASE NO. 04-40325

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This is an action for judicial review following an adverse decision of the Commissioner of Social Security. Before the Court is the Report and Recommendation of the Honorable Wallace Capel, Jr., United States Magistrate Judge. The Magistrate Judge recommends that this Court dismiss Plaintiff's complaint without prejudice for Plaintiff's failure to serve Defendant with the summons and complaint and for failing to respond to the Magistrate Judge's order to show cause. The Magistrate Judge filed the Report and Recommendation on August 16, 2005 and notified all the parties that any objections must be filed within ten days of service. Neither party has filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 8] is **ACCEPTED and ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that this action, No. 04-40325, is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: September 14, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on September 15, 2005 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Lorenzo Hunter, Jr.; Social Security Administration.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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